IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

PRESENT

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO : 9140 of 2002

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Date: 26.09.2005

Between:

1 Smt. Shaheeda Begum W/o. Silar Johny
Manoranjitham Memorial Girls High School, Ramkote,
Hyderabad and another.

..... PETITIONERS

AND

1 The Secretary, Government of Andhra Pradesh,
Education (P.S.) Department, Secretariat Buildings,
Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO: 9140 of 2002

ORDER:

Pursuant to a Selection Committee constituted in accordance with G.O.Ms.No.1 Education, dated 01.01.1994 for recruitment to the posts of Telugu Pandit Grade – II and Hindi Pandit Grade – I in the fifth respondent – High School, the petitioners herein were selected as Telugu Pandit Grade – II and Hindi Pandit Grade – I respectively. On selections held on 28.08.1988, the management of the fifth respondent – High School, without waiting for an approval of the selections by the third respondent, as required in G.O.Ms.No.1, dated 01.01.1994, straightaway

proceeded to issue orders of appointment to the petitioners and the petitioners joined the posts on 01.09.1998. Later, after considerable correspondence, the third respondent approved the selection of the petitioners on 26.11.1999 and as a consequence the petitioners became entitled to count their service in the post to which they were selected only with effect from 26.11.1999. That these benefits with effect from 26.11.1999 are being given to the petitioners is not in dispute.

Seeking regularization of appointments to the aided posts with effect from 01.09.1998, the date with effect from which they actually started serving though without the approval of the competent authority, the petitioners made a representation to the respondents 1 to 3 which was however rejected and aggrieved, the petitioners are before this Court.

It is an admitted and undisputed position that the petitioners are not entitled to be treated as being regularly appointed to aided posts unless the selections are conducted in accordance with the procedure contemplated and authorized under G.O.Ms.No.1, dated 01.01.1994 and till the selections are approved by the third respondent –competent authority.

In the circumstances, the petitioners de fecto appointment by the Management with effect from 01.09.1998 would not entitle them to any benefits including seniority benefits in the aided posts. Their appointment to unaided posts gets legal recognition only from the date of approval of the selection by the third respondent, which was admittedly by proceedings dated 26.11.1999.

On the aforesaid analysis, there are no merits. The writ petition is accordingly dismissed. No order as to costs.

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(Goda Raghuram, J)

Date: 26.09.2005

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